

Exhibit C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products) MD 15-02641-PHX-DGC
Liability Litigation,)
)
)
Lisa Hyde and Mark Hyde, a married) Phoenix, Arizona
couple,) September 25, 2018
)
)
Plaintiffs,)
)
)
v.) CV 16-00893-PHX-DGC
)
)
C.R. Bard, Inc., a New Jersey)
corporation, and Bard Peripheral)
Vascular, an Arizona corporation,)
)
)
Defendants.)
)

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL DAY 6 - P.M. SESSION

Official Court Reporter:
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1 referred to?

2 MS. HELM: That's the date that you eventually --

3 THE COURT: Let me look at this briefly.

4 11256 doesn't talk about the FDA warning letter. It
5 talks about the Modra complaint exhibits and Recovery cephalad
6 migration.

7 MS. HELM: Excuse me, Your Honor, the numbered
8 sentence 2.

9 THE COURT: Okay. That's not -- yeah, I say it but
10 that's not an explanation.

11 MS. HELM: It was tendered on -- that order was
12 entered on May 29th. It was tendered on May 17. And I'm
13 reading, admittedly, a summary of the transcript, but you said
14 there was not enough evidence yet to let it come in.

15 And then it was tendered again on May 22nd and again
16 on May 25th. So it -- and it was after a substantial amount of
17 evidence, so...

18 THE COURT: Okay. Hold on just a minute.

19 MS. HELM: I have a clean copy.

20 THE COURT: I'm not reading the notes.

21 Well, my memory is that I let this in last time after
22 Mr. Modra had testified, and I think in Jones much of the
23 testimony came in during the defense case on the extensive
24 complaint handling procedures that Bard had in place. And I
25 thought it was relevant then that the FDA had critiqued the

1 complaint handling procedures.

2 Mr. O'Connor has covered much of that ground with
3 Mr. Modra today on detailed complaint handling procedures. I
4 think that, as redacted, this FDA warning letter does not
5 violate Rule 403. The section that will come in, which is
6 section 3, I think, concerns complaint handling procedures.

7 And so I'm going to overrule the objection and allow
8 the redacted exhibit to come in.

9 MR. O'CONNOR: Thank you.

10 (End of discussion at sidebar.)

11 THE COURT: Thanks, ladies and gentlemen.

12 MR. O'CONNOR: Move for admission of Exhibit 1680,
13 Your Honor.

14 THE COURT: Admitted.

15 (Exhibit No. 1680 admitted into evidence.)

16 MR. O'CONNOR: May I publish?

17 THE COURT: You may.

18 MR. O'CONNOR: And, Felice, if you could highlight
19 the first paragraph.

20 BY MR. O'CONNOR:

21 Q. This talks about a number of inspections that -- well,
22 inspections that occurred; specifically, an inspection that
23 occurred at the Tempe facility on November 18, 2014. Correct?

24 A. That's correct.

25 MR. O'CONNOR: And then, Felice, if you could go down